IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

WP(C).No. 31904 of 2006(W)

PETITIONER:

MOHAMMED ZACHARIA, S/O.ABDUL HAMEED,
VELIYIL VEEDU, ERAVIPURAM VILLAGE,
VADAKKEVILA P.O., KOLLAM TALUK, KOLLAM DISTRICT.

BY ADV. SRI.C.R.JAYAKUMAR

RESPONDENTS:

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1. THE KERALA STATE FINANCIAL ENTERPRISES LTD., REGD. OFFICE, THRISSUR.

2. THE SPECIAL DEPUTY TAHASILDAR (RR), KSFE LTD., NO.II, KOLLAM.

3. THE BRANCH MANAGER, KSFE LTD., PALLIMUKKU BRANCH, KOLLAM.

4. THE DISTRICT COLLECTOR, COLLECTORATE, KOLLAM.

BY ADV. SRI.A.K.JOHN, ADDL.SC., KSFE LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 31904 OF 2006

Dated this the 1st day of December, 2006

JUDGMENT

Since petitioner has expressed willingness to clear the arrears, after setting-off recoveries made by KSFE from sureties, there will be direction to the respondents not to recover any collection charges under Rule 5 of the RR Rules provided petitioner clears the arrears by making payment voluntarily before 31.12.2006. Since collection charges are not paid by the petitioner, there will be direction to the fourth respondent not to recover the same from the company also. However, if the petitioner does not make payment and settle liability as above, then recovery will be continued after 31.12.2006 and in that event collection charges can be recovered . KSFE will give credit for the recoveries made and give a statement exclusive of collection charges to the petitioner to clear the liability as above within one week from the date of production of a copy of this judgment by the petitioner. Recovery proceedings will be kept in abeyance for payment as above.

W.P. is disposed of as above.

Issue photocopy today itself.

(C.N.RAMACHANDRAN NAIR)
Judge